

**POTLATCH CORPORATION'S RESPONSE TO REQUEST FOR
INFORMATION PURSUANT TO SECTION 104(E) OF CERCLA,
FOR THE AVERY LANDING SUPERFUND SITE, AVERY, IDAHO**

This responds to EPA's Section 104(e) information request to Potlatch Corporation ("Potlatch") dated December 4, 2007 regarding the Avery Landing Site ("Site").

Introduction.

EPA seeks information related to historic conditions at the Site which occurred from 1907 to 1980 when Potlatch did not own or operate the Site and therefore much of the information Potlatch has provided during this time period is not based on personal knowledge. Even though Potlatch did not cause any contamination at the Site it has voluntarily reduced contaminated seepage into the St. Joe River by installing a petroleum recovery system and later a barrier wall which Potlatch believes has minimized any impact to the environment. Since contamination at the Site was discovered, Potlatch has worked cooperatively with both IDEQ and EPA in addressing the contamination.

While Potlatch intends to fully comply with EPA's 104 request, because of the formal nature of the request and the potential legal consequences associated with 104 responses, Potlatch sets forth the following objections:

Potlatch objects to the request for information to the extent it requires the disclosure of information protected under the attorney client privilege and work product doctrine. Also, Potlatch objects to the request to the extent it is overly broad, ambiguous, and unreasonable. Potlatch objects to the request to the extent it requires Potlatch to reach legal conclusions such as whether appropriate due diligence occurred prior to Site acquisition, whether Potlatch exercised due care when it became aware of the contamination, whether and when "releases" occurred and whether the contamination at the Site is considered a "hazardous substance."

William F. Davis, Land Specialist for Potlatch Forest Holdings, Inc. was relied upon to provide the answers to Response Nos. 1, 2, 5, 7, 8 and 9. The remainder of the responses were based upon a review of the voluminous records on the Site in the possession of Potlatch, EPA, IDEQ and Shoshone County.

Request No. 1. Identify the current owners(s) and/or operator(s) of the Site. State the dates during which the current owners(s) and/or operator(s) owned, operated or leased any portion of the Site and provide copies of all documents evidencing or relating to such ownership, operation or lease, including but not limited to purchase and sale agreements, deeds, leases, etc..

Response to Request No. 1.

A. Township 45 North Range 5 East, Section 16:

Potlatch Forest Products Corporation has been the owner of Parts of Government Lots 1 and 2 lying South of the Right of way of Forest 50 and North of the St. Joe River in Section 16, Township 45 North, Range 5 East B.M., Shoshone County State of Idaho since December 30, 2005. The property was conveyed to Potlatch Forest Products Corporation by Potlatch Corporation through a Bargain and Sale Deed which was recorded in Shoshone County on January 19, 2006 as Instrument Number 428582.

On May 27, 1980, Potlatch Corporation acquired Parts of Government Lots 1 and 2 in Section 16, Township 45 North, Range 5 East B.M., Shoshone County State of Idaho as part of a real estate purchase from the Trustee in bankruptcy for the property of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company (CMSPR). Title was conveyed by Quitclaim Deed recorded in Shoshone County on June 3, 1980 as Instrument 148758. Copies of the Purchase and Sale Agreement and Quitclaim Deed are attached under **Tab A**. The description of the property is subject to four (4) exceptions stated: "That certain main line right of way of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company extending south and west toward St. Maries, Idaho, from the west line of Section 11, Township 45 North, Range 5 East, Boise Meridian, Shoshone County, State of Idaho, identified as Avery terminus, and terminating at Railroad Engineer's Station 2077+80, where said right of way intersects the east-west centerline of Section 13, Township 46 North, Range 2 West, Boise Meridian, Benewah County, State of Idaho, identified as St. Maries terminus, including real property consisting of, but not limited to, rights of way, trackage, bridges, footings and or other improvement (emphasis added)." Exact descriptions of the location, width, placement of the rights of way or identification of fee ownership or use by easement were not included on the deed. The Railroad provided approximate information on the location, width, and placement of the rights-of-way by providing copies of Right of Way and Track Maps from the office of Valuation Engineer dated June 30, 1918. Legends on the maps show acquisition history. Some legends have been kept up to date but several had not. A copy of the Right-of-Way map related to the Site is attached under **Tab B**.

Potlatch leased portions of Section 16 from CMSPR from at least 1973 until 1980. The leases authorized Potlatch to use a portion of Section 16 for a log landing area and for an employee bunkhouse. Copies of those leases are attached under **Tab C**.

After 1980 Potlatch utilized a portion of the Site in Section 16 as a log landing and log storage area for some period of time. Also Potlatch has entered into a number of leases and special use permits for portions of Section 16 which are attached under **Tab D**. Also upon information and belief Potlatch leased or authorized the use of portions of Section 16 to Western Construction, Seubert Excavation, Inland Asphalt, Plum Creek, Western Forest Products and Shoshone County for a variety of uses such as log storage, material storage, parking and a campsite. Potlatch does not have copies of any of these leases or permits.

Ownership of portions of the Site in Government Lots 1 and 2 of Section 16 Township 45 North, Range 5 East B.M., Shoshone County State of Idaho were acquired by the United States as a result of a Declaration of Taking, Civil Case Number 86 3065 through which the United States Department of Transportation, Federal Highway Administration (FHA) acquired right of way of Forest Road 50. The Judgment on Declaration of Taking and Order for Delivery of Possession was recorded in Shoshone County on June 27, 1986 as Instrument Number 323442. A copy of the Court's Order is attached under **Tab E**. In 1992 the FHA conveyed an easement through its property in Section 16 at the Site to Shoshone County for the operation and maintenance of a highway. A copy of the easement is attached under **Tab F**.

Parts of Government Lots 1 and 2 in Section 16, Township 45 North, Range 5 East B.M., Shoshone County State of Idaho were originally acquired by the Chicago, Milwaukee and Puget Sound Railway Company (a predecessor of the CMSPR, from Lee Setser on March 29, 1909 through a deed recorded in Shoshone County Book 39 of Deeds at page 212. Lee Setser received a patent from the United States Government for Lots 1 and 2 of Section 16, Township 45 North, Range 5 East on September 18, 1916. The patent was recorded on June 17, 1919 in Book 52 at page 608, Shoshone County Records. A copy of the Deed and patent are attached under **Tab G**.

B. Township 45 North Range 5 East, Section 15:

Lawrence R. Bencik and Ethel M. Bencik have been the owners of "That portion of Government Lots 3 and 4, Section 15, Township 45 North, Range 5 East, B.M., Shoshone County, State of Idaho, lying South of the Highway Right of Way," since January 17, 1995. They acquired title from David Theriault through a Quitclaim Deed recorded in Shoshone County on January 17, 1995 as Instrument Number 365647. Lawrence R. Bencik and Ethel M. Bencik also were decreed owners of the property in a quiet title decree on August 19, 1996 in case number 32882. The decree was recorded in Shoshone County on August 19, 1996 as Instrument Number 273797.

On April 2, 1980, the United States District Court Northern District of Illinois Eastern Division, in Order Number 307, authorized the Trustee of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company to abandon all lines west of Miles City, Montana with the exception of its trackage rights between Miles City and Billings, Montana. As part of its condemnation procedure for Forest Highway 50 (Judgment on Declaration of Taking and Order for Delivery of Possession recorded in Shoshone County on June 27, 1986 as Instrument Number 323442) the Federal Highway Administration determined that parts of Government Lots 3 and 4, Section 15, Township 45 North, Range 5 East, B.M., Shoshone County, State of Idaho, reverted under the General Railroad Act of March 3, 1875 and the Act of March 3, 1899 to the underlying land owners of record, the heirs of Edward I. Theriault. David Theriault was heir to the Theriault Estate. The Theriault family acquired the property from George Williams, heir to Samuel Williamson March 29, 1919 through a deed recorded in Shoshone County in Book 53 at page 359 on March 31, 1919. The Heirs of Samuel Williams Acquired Patent to the property on February 15, 1921. The patent was recorded in Shoshone County in Book 55 at page 224 on May 27, 1921.

CMSPR held an easement for railroad purposes crossing Government Lots 3 and 4, Section 15, Township 45 North, Range 5 East, B.M., Shoshone County, State of Idaho, authorized by the General Railroad Act of March 3, 1875 and the Act of March 3, 1899. Potlatch Corporation's acquisition of the easement through the May 27, 1980 Quitclaim deed recorded in Shoshone County as Instrument 148758 is clouded by Court Order Number 307, authorizing abandonment of the rail lines west of Miles City on April 2, 1980.

Also the United States, acting through the Bureau of Land Management (BLM) took the position that it had to approve a new right of way before Potlatch could acquire any interest in the right of way previously held by CMSPR in Section 15. BLM never issued a new right of way or easement to Potlatch in Section 15. Consistent with this position the United States maintained in condemnation litigation in the United State District court for the District of Idaho (CV-86-3035) that Potlatch had no interest in any right of way in Section 15. In that litigation the FHA acquired the right of way at the Site through Section 15 from the Theriaults. The Judgment on Declaration of Taking and Order for Delivery of Possession was recorded in Shoshone County on June 27, 1986 as Instrument Number 323442. In 1992 the FHA conveyed an easement through its property in Section 15 at the Site to Shoshone County for the operation and maintenance of a highway.

Request No. 2. Identify any legal or equitable interest that you now have, or previously had in the Site. Include information regarding the nature of such interest; when, how, and from whom such interest was obtained; and when, how and to whom such interest was conveyed. In addition submit copies of all instruments evidencing the acquisition of conveyance of such interest.

Response to Request No. 2. See response to No. 1.

Request No. 3. Did you acquire or operate the site or any portion of the Site after the disposal or placement of hazardous substances on, or at the Site? Describe all of the facts on which you base the answer to the preceding question.

Response to Request No. 3. Yes. To the extent any hazardous substances were disposed of or placed at the Site, such disposal and placement predated Potlatch's acquisition of a portion of the Site in 1980. Based on all available information, Potlatch believes that all of the contamination at the Site was originally caused by the CMSPR's operations at the Site from 1907 to 1977 (CMSPR apparently discontinued all operations at the Site in 1977). It appears that a 500,000 gallon above ground storage tank at the Site in Section 15 which was used by CMSPR to store Bunker C fuel, diesel and perhaps other fuels may have leaked fuel into the subsurface and/or frequent spills occurred around the tank during fueling operations. There may have also been routine maintenance activities which occurred at shops and other buildings at the Site from 1907 through 1977 by CMSPR that may have resulted in the disposal or placement of hazardous substances at the Site.

When Potlatch was notified by the Idaho Department of Environmental Quality (IDEQ) in 1988 that oil was migrating under the Site into the St. Joe River, a Potlatch employee, Michael Fish, spoke to a number of former CMSPR employees who still resided in Avery, Idaho at that

time. These people confirmed the above facts. Also at this time (1988) Potlatch learned that the CMSPR had been investigated by both IDEQ and EPA in the 1970s regarding one or more petroleum spills or discharges into the St. Joe River from the Site. Apparently representatives from both IDEQ and EPA visited the Site in the 1970s. As a result of these investigations, EPA issued a NPDES Permit to CMSPR in 1974 (NPDES Permit No. ID-000003-5). Also reports prepared by IDEQ and EPA in the 1980's and 1990's confirm that the contamination at the Site was caused by CMSPR's operations. The documents relied upon in responding to this request are attached under **Tab H** as well as voluminous records in the possession and control of EPA and IDEQ.

Request No. 4. At the time you acquired or operated the site, did you know or have reason to know that any hazardous substance was disposed of on, or at the Site? Describe all investigations of the Site you undertook prior to acquiring the Site and all of the facts on which you based the answer to the preceding question.

Response to Request No. 4. There are no records that suggest Potlatch was aware of any hazardous substances at the portion of the Site acquired by Potlatch in 1980. Whether Potlatch had any reason to know that hazardous substances were disposed of at the Site at the time of acquisition calls for a legal conclusion which Potlatch is unable to answer. Potlatch believes that under current standards at the time (1980) in the area the Company exercised appropriate due diligence prior to the acquisition. The portion of the Site acquired by Potlatch from CMSPR was part of much larger transaction in which Potlatch acquired approximately 115 miles of railroad mainlines and branch lines, 37 miles of side tracks and yard tracks, approximately 2200 acres of land and extensive miscellaneous equipment. Prior to the purchase, Potlatch retained independent experts to evaluate the land, rail lines and equipment. The land appraiser retained by Potlatch to evaluate all of the acreage and rail lines, including the Site, was Western Appraisals & Surveys. A copy of the Appraisal Report and other documents related to the pre-acquisition diligence undertaken by Potlatch are attached under **Tab I**. The Appraisal Report does not indicate that there was any contamination at the Site and the Report does not suggest any reduction in value of the land at the Site compared to other acreage evaluated. The principal Potlatch employees involved in the transaction with the Trustee for the property of CMSPR were Jim Morris and James Benson. It is not known if either person actually visited the Site prior to acquisition. Mr. Morris is deceased. It is believed that Mr. Benson currently resides in Oregon. Files turned over by CMSPR after Potlatch acquired a portion of the Site indicated that an oil spill or discharge occurred in 1970 and was investigated by IDEQ and EPA. See **Tab H**. It appears that the CMSPR was discharging oil in the river associated with an oil sump. CMSPR eventually obtained a NPDES Permit from EPA for such discharges in 1974. Those records are attached under **Tab H**.

Request No. 5. Identify all prior owners of the Site. For each prior owner, further identify:

- a. The dates of ownership;

Response to Request No. 5a. Parts of Government Lots 1 and 2 in Section 16, Township 45 North, Range 5 East B.M., Shoshone County State of Idaho were originally

acquired by the Chicago, Milwaukee and Puget Sound Railway Company (a predecessor of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company, from Lee Setser on March 29, 1909 through a deed recorded in Shoshone County Book 39 of Deeds at page 212. Lee Setser received a patent from the United States Government for Lots 1 and 2 of Section 16, Township 45 North, Range 5 East on September 18, 1916. The patent was recorded on June 17, 1919 in Book 52 at page 608, Shoshone County Records.

Chicago, Milwaukee, St. Paul and Pacific Railroad Company held an easement for railroad purposes crossing Government Lots 3 and 4, Section 15, Township 45 North, Range 5 East, B.M., Shoshone County, State of Idaho, authorized by the General Railroad Act of March 3, 1875 and the Act of March 3, 1899. The Grant and Filing Map was filed with the Department of interior by the Chicago, Milwaukee, St. Paul and Pacific Railroad Company on May 10, 1907. The Department of Agriculture would not recognize the grant until the Railroad signed a stipulation setting forth how the National Forest lands would be treated. The Railroad did not sign the stipulation until September 25, 1917. The effective date of the stipulation was May 10, 1907.

Pursuant to federal law, it is believed that the United States retained some property interest in the right of way at the Site throughout CMSPR's railroad operations at the Site from 1907 to 1980. See also Response to No. 1.

- b. All evidence showing that they controlled access to the Site;

Response to Request No. 5b. Potlatch does not have any information as to how the CMSPR controlled access to the Site during their ownership and operation of the Site from 1907 through 1980. The Site was very remote and difficult to access except by rail.

- c. All evidence that a hazardous substance, pollutant, or contaminant, was released or threatened to be released at the Site during the period that they owned the Site.

Response to Request No. 5c. See Response to No. 3.

Request No. 6. Identify all prior operators of the Site. For each prior operator, further identify:

- a. The dates of operation;

Response to Request 6a. CMSPR was the operator of the site from 1907-1977. Potlatch is not aware of any other "operators" at the Site as that term is defined under CERCLA

- b. The nature of prior operations at the Site.

Response to Request 6b. The Avery Yard was a division point for the railroad. As noted it is believed that CMSPR discontinued railroad operations at the Site in 1977 but continued to own the Site until 1980 when Potlatch acquired a portion of the Site from the Trustee for the property of CMSPR. Due to the 1.6 mile Taft Tunnel, electric engines were used

from Avery to a switch point in Montana. East bound trains were switched from diesel to electric engines and west bound trains were switched from electric engines to diesel engines. The Avery Yard was used as a maintenance and fueling site for engines and cars.

- c. All evidence that they controlled access to the site.

Response to Request 6c. See Response to No. 5b.

- d. All evidence that a hazardous substance, pollutant, or contaminant, was released or threatened to be released at the Site during the period that they owned the Site.

Response to Request 6d. See 5c above.

Request No. 7. Describe the nature of your activities or business at the Site, with respect to purchasing, receiving, processing, storing, treating, disposing, or otherwise handling hazardous substances or materials at the Site.

Response to Request No. 7. Potlatch's use of a portion of the Site has been as a log handling and storage area, parking of equipment, storage of materials and leasing of building and a contractors camping area on the site. Potlatch is unaware of any hazardous substances being received, stored, treated or disposed of at the Site by Potlatch or any of its tenants. Lessees and Permittees were contractually required to comply with federal, State and local statutes, rules and regulations for hazardous materials. See **Tab D**.

Request No. 8. Did you ever use, purchase, generate, store treat, dispose, or otherwise handle at the Site any hazardous substances? If the answer to the question is anything but an unqualified "no," identify:

Response to Request No. 8. No. However it is likely gasoline, diesel and lubricants may have been brought on to a portion of the Site in Section 16 to operate equipment. Potlatch is unaware any spills or leaks associated with its operation and use of equipment on a portion of the Site.

- a. In general terms, the nature and quantity of the non-hazardous substances so transported, used, purchased, generated, stored, treated, disposed, or otherwise handled.

Response to Request No. 8a. Non-hazardous substances used on Site were logs, rock, culverts and construction materials. Potlatch does not know the quantity of these materials. Any storage of these non-hazardous materials would have been above ground.

- b. The chemical composition, characteristics, physical state (e.g., solid, liquid) of each hazardous substance so transported, used, purchased, generated, stored, treated, disposed, or otherwise handled.

Response to Request No. 8b. Potential hazardous substances on site would have been liquids: gasoline, diesel, heating oil, hydraulic oil, grease, gas and propane. Potlatch has no way

of estimating the composition of these potential hazardous substances. Storage of these potential hazardous substances would have been above ground.

- c. The persons who supplied you with each such hazardous substance.

Response to Request No. 8c. Unknown.

- d. How each such hazardous substance was used, purchased, generated stored, treated, transported, disposed or otherwise handled by you.

Response to Request No. 8d. Any fuel or other lubricant would have been used for heating, fueling and maintaining equipment. Purchase was probably from local suppliers in St. Maries or Wallace, Idaho. Storage would have been in buckets, barrels, and tanks. Contractors, Lessees, and Permittees were required to handle substances in compliance with Federal, State and Local rules, regulations, and statutes per special use permits and leases with such contractors. See **Tab D**.

- e. When each such hazardous substance was used, purchased, generated, stored, treated, transported disposed or otherwise handled by you.

Response to Request No. 8e. The substances described in Response to No. 8 were used at various times by contractors, lessees and permittees from 1980 to present.

- f. Where each such hazardous substance was used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you.

Response to Request No. 8f. The substances described in Response to No. 8 that were purchased by contractors, lessee and permittees probably came from local suppliers in St. Maries and Wallace, Idaho for use on site to fuel or maintain equipment or heat buildings. Storage would have been in buckets, barrels, and tanks. Contractors, lessees, and permittees were required to handle substances in compliance with Federal, State and Local rules, regulations, and statutes. See **Tab D**.

- g. The quantity of each such hazardous substance used, purchased, generated, stored, treated, transported, disposed or otherwise handled by you.

Response to Request No. 8g. Unknown.

Request No. 9. Provide information about the Site, including but not limited to the following:

- a. Property Boundaries, including a written legal Description;

Response to Request No. 9a. The Potlatch ownership is described as:

Parts of Government Lots 1 and 2 lying South of the Right of way of Forest 50 and North of the St. Joe River in Section 16, Township 45 North, Range 5 East B.M., Shoshone County State of Idaho.

The Bencik property is described as:

That portion of Government Lots 3 and 4, Section 15, Township 45 North, Range 5 East, B.M., Shoshone County, State of Idaho, lying South of the Highway Right of Way.

Only the Section line for Sections 15 and 16 between the Potlatch property and the Bencik property has been surveyed. See also Response to No. 1.

b. Location of underground utilities (Telephone, Electrical, sewer, water main, etc.):

Response to Request No. 9b. There is an easement to the Avery Water and Sewer District for a sewer dated August 6, 1980. The sewer line crosses the river next to the logging camp and more or less parallels the railroad grade crossed under the right of way to a absorption bed. The absorption bed was part of the right of way for Forest Road 50.

There is an easement to GTE Northwest Incorporated 10 feet in width for a buried phone line north and south across Government Lot 1 of Section 16. Effective date was September 9, 1992.

c. Location and description of any easements;

Response to Request No. 9c. See 9b above.

d. Surface Structures (e.g., Buildings, Tanks, etc.);

Response to Request No. 9d. Structures on the Potlatch ownership are on the west end of Government Lot 1 and the east end of Government lot 2 of Section 16. Structures in the logging camp area are two abandoned storage skid shacks that are not in use, a wash shower house, one cabin, and covers for trailer parking, 2 of the current trailers have small additions. The residential area contains 2 house trailers with additions, 3 cabins and fenced cable satellite receiver site.

Bencik constructed a cabin and outbuildings on their property in Section 15.

e. Ground water wells, Including drilling logs.

Response to Request No. 9e . Potlatch has water right 91-7151 with a priority date of November 8, 2004, in the amount of .48 CFS, for a well located in Lot 1, Section 16. A well log is on file with Idaho Water Resources Department. Extensive subsurface monitoring has been conducted by Potlatch's consultant as well as by EPA. Potlatch's site investigation of subsurface conditions is described in full in Response No. 10, infra.

Potlatch is unaware of the type of water supply used at the Site in Section 15.

f. Storm water drainage system, and sanitary sewer system, past and present, including septic tanks(s), Subsurface disposal fields(s), and other underground structures; and where, when and how such systems are emptied.

Response to Request No. 9f. Potlatch is unaware of the sewer system used on Section 16 at the Site. The camp area the west end of Government Lot 1 and the east end of lot 2 in Section 16 at the Site is served by the Avery Sewer System which has been in existence since 1992.

g. Any and all additions, demolitions or changes of any kind on, under or above the Site, its physical structures or to the property itself (e.g., excavation work); and any planned additions, demolitions or other changes to the site;

Response to Request No. 9g. The only changes to the Potlatch portion of the Site have been the construction of the oil recovery system and the barrier wall which is described more fully in Response to No. 10, infra. Some minor remodeling has been done to the trailers and shacks in the camp area. No other work is planned.

h. All maps and drawings, including as-built drawings, of the Site in your possession.

Response to Request No. 9h. Potlatch objects to this request as unreasonable and burdensome as there are hundreds of maps and drawings of the Site in Potlatch's possession. Maps and drawings of the Site are attached under **Tabs B, I, J, K and L.**

Request No. 10. Provide all reports, information or data related to soil, water (ground and surface), or air quality and geology/hydrogeology at and about the Site. Provide copies of all documents, containing such data and information, including both past and current aerial photographs as well as documents containing analysis or interpretation of such data.

Response to Request No. 10. Under the supervision of IDEQ, and at times EPA, Potlatch has conducted extensive site investigations and remediation activities at the Site from 1988 through 2007. In 1988 when Potlatch was notified by IDEQ that an oily substance was seeping into the St. Joe River from underneath the Site, Potlatch promptly undertook a site investigation in close consultation with IDEQ. Also booms were placed in the River near the areas of the seeps to contain and capture any oil sheen. A trench and test pits were dug to estimate the extent of contamination in the summer of 1988. In the fall of 1988 Potlatch retained HartCrowser, an environmental consultant, to further investigate the Site and to propose a remediation strategy. Eventually, HartCrowser proposed and IDEQ approved a free phase recovery system to remove subsurface contamination at the Site. In 1994, Potlatch formally entered into a Consent Order with IDEQ to address contamination on Potlatch's property. The Consent Order formally approved the free phase oil recovery system and required Potlatch to undertake monitoring and prepare reports documenting the performance of the system. The

correspondence, reports and data that were gathered by Potlatch and its consultants from 1988 to 2000 are attached under **Tab J**.

In 1999 and into 2000, Potlatch, in consultation with both IDEQ and EPA, determined that the oil recovery system was not performing at a level that succeeded in stopping all contaminated seeps into the River. Therefore Potlatch agreed to amend the Consent Order and to implement a new remediation strategy which involved the design, construction and installation of a barrier wall in a portion of the Site adjacent to the St. Joe River. The documents describing the design, agency approvals, installation and monitoring of the barrier wall's performance are attached under **Tab K**. The barrier wall appeared to have been working until the fall of 2005, when a Potlatch employee observed a slight oil sheen in the River adjacent to the Site. Potlatch reported the observation and evaluated a number of alternatives to determine the cause of the sheen. Oil booms were again placed in the River to contain the small amount of sheen observed in the River during low flows.

Potlatch is also aware that IDEQ took some ground water samples in 1990. Also EPA undertook a Site inspection in 1993 and again in 2007 in which the Agency collected significant ground water, surface water and soil samples at the Site.

Request No. 11. Describe the care you exercised with respect to the hazardous substances found at the Site.

Response to Request No. 11. See Response to No. 10 and attached **Tabs J and K**.

Request No. 12. Identify all leaks, spills, or releases into the environment of any hazardous substances, pollutants, or contaminants that have occurred at or from the Site. In addition, identify;

Response to Request No. 12. See Response to Nos. 3 and 10 and related attachments therein. Also Potlatch is not aware of any leaks, spills or releases that may have occurred on those portions of the Site in Sections 15 and 16 which were not owned by Potlatch.

a. When such releases occurred:

Response to Request No. 12a. See Response to No's 3 and 10. The migration of contamination under the Site into the St. Joe River has been occurring at least since 1988 when IDEQ first notified Potlatch. Seepage continued sporadically depending upon flows in the River from 1988 to 2000. Potlatch does not believe such migration and seepage constitutes a "release." Potlatch does not believe such seepage has caused any environmental harm and the installation of booms has further minimized any impact to the environment. As noted in Response No 10, a slight oil sheen was again observed in the River in the fall of 2005 and has sporadically reappeared during low flows. Booms continue to be in place to capture any minor sheen.

b. How the releases occurred (e.g. when the substances were being stored, delivered by a vendor, transported or transferred (to or from any tanks, drums, barrels, or recovery units), and treated).

Response to Request No. 12b. Release of the substances that have caused the contamination occurred prior to the Site being acquired by Potlatch as more fully described in Response to No. 3. It is believed that said contamination is migrating onto Potlatch's property from Section 15 at the Site and is migrating towards the St. Joe River. It is believed that ground water flow is the cause of the migration of contamination. Potlatch is unaware of activities on other portions of the Site owned by the FHA or the Benciks which caused releases of hazardous substances.

c. The amount of each hazardous substances, pollutants, or contaminants so released;

Response to Request No. 12c. Potlatch has never attempted to estimate the amount of contamination at the site and how much has migrated into ground water and surface water.

d. Where such releases occurred:

Response to Request No. 12d. See Responses to Nos. 3, 10 and 12(a) and 12(b).

e. Any and all activities undertaken in response to each such release or threatened release, including the notification of any agency or governmental units about the release.

Response to Request No. 12e. The one oil spill that is documented in the CMSPR records occurred in 1970 and the CMSPR response to such spill or discharge is set forth in **Tab H**. Potlatch is unaware whether CMSPR notified the agencies at the time. However, EPA ultimately issued CMSPR a NPDES Permit for oily discharges at the Site in 1974. See also Response to No. 10

Since the first report of oil seepage in 1988, Potlatch has worked with the Idaho Department of Environmental Quality and associated agencies to identify and control the oil seepage problem.

f. Any and all investigations of the circumstances, nature, extent or location of each release or threatened release including, the results of any soil, water (ground and surface), or air testing undertaken;

Response to Request No. 12f. See Response to No. 10

g. All persons with information relating to these releases.

Response to Request No. 12g . All persons identified in the documents provided in response to this information request may have information relating to any releases.

Request No. 13. Has any contaminated soil ever been excavated or removed from the Site? Unless the answer to the preceding question is anything besides an unequivocal "no", identify:

- a. Location of excavation;

Response to Request No. 13a. During excavation of trenches in the 1990s and construction of a barrier wall adjacent to the St. Joe River in 2000 some contaminated soil was excavated by Potlatch and its consultants and contractors. The location of the excavations and volume of material removed are set forth in the reports in **Tabs J and K**. Potlatch is unaware whether the owners of Section 15 at the Site ever excavated or removed contaminated soil. The FHA or its contractors may have excavated and removed contaminated soils during construction of Highway 50 in Sections 15 and 16 at the Site.

- b. Amount of soil excavated;

Response to Request No. 13b. See response to 13a.

- c. Manner and place of disposal and /or storage of excavated soil;

Response to Request No. 13c. The impacted soils excavated by Potlatch during remediation activities on portions of the Site were landfarmed on Site in accordance with the IDEQ Consent Order. See also documents attached under **Tabs J and K**.

- d. Dates of soil excavation;

Response to Request No. 13d. See response to 13a.

- e. Identity of persons who excavated or removed the soil;

Response to Request No. 13e. See response to 13a. All persons that may have been involved in the excavations are identified in the documents produced under **Tabs J and K**.

- f. Reason for soil excavation;

Response to Request No. 13f. See Response to 13a.

- g. Whether the excavation or removed soil contained hazardous substances and why the soil contained such substances;

Response to Request No. 13g. The soil was analyzed as part of the remediation under the IDEQ Consent Order. See also **Tabs J and K**. To the extent the soil contained hazardous substances it was likely caused by CMSPR's operations at the Site.

- h. All analyses or tests and results of any analyses of the soil that was removed from the Site;

Response to Request No. 13h. See documents produced under **Tabs J and K**.

i. All persons, including contractors, with information about (a) through (h) of this request.

Response to Request No. 13i. All of the Potlatch employees, contractors, consultants and agency personnel that would have information about Response to Request Nos. 14(a) through (h) are identified in the documents produced under **Tabs J and K.**

Request No. 14. Provide information and documentation concerning all inspections, evaluations, safety audits, correspondence and any other documents associated with the conditions, practices, and/or procedures at the Site concerning insurance issues.

Response to Request No. 14. Potlatch does not have any such documentation.

Request No. 15. Information from the Federal Highway Administration indicates that Potlatch Corporation removed a large (500,000 gallon) above-ground petroleum storage tank in the 1980s. Provide information and documentation concerning this tank including the former location of the tank, the removal of the tank, and the disposal of the tank and its contents.

Response to Request No. 15. The tank was removed by a Potlatch contractor, Crowley Environmental Services, in 1986. A small volume of water and diesel fuel was found in the tank during dismantling and removal. The water/diesel fuel mixture was pumped out of the tank into a tank truck and was hauled to Potlatch's Lewiston facility and burned for energy recovery. The FHA reimbursed Potlatch for the expense. Correspondence and documents related to the tank removal are attached under **Tab L.**

Request No. 16. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any question contained herein, or who may be able to provide additional responsive documents, identify such persons and the additional information or documents that they may have.

Response to Request No. 16. All of the persons identified in the documents produced in response to this information request may be able to provide additional information. Also it is likely that there may be numerous former employees of the CMSPR that Potlatch is unable to identify at this time that may be able to provide additional information. Finally, at this time Potlatch is unable to identify any present or former employees of the FHA or its contractors that may be able to provide additional information.



January 14, 2007

Janet Magnuson
Office of Regional Counsel
United States Environmental
Protection Agency
1200 Sixth Avenue, Suite 900, ORC-158
Seattle, Washington 98101

**Re: Potlatch Corporation's Response to Request for Information Pursuant to Section
104(e) of CERCLA, for the Avery Landing Superfund Site, Avery, Idaho**

Dear Ms. Magnuson:

Attached is Potlatch Corporation's response to EPA's December 4, 2007 Information Request regarding the Avery Landing Site.

Very truly yours,


Pamela Mull

Enclosure